

**JUDGE DANIELS** UNITED STATES DISTRICT COURT

Southern

District of

New York

Annmarie Mallozzi, Individually and on behalf of  
all others similarly situated,

**SUMMONS IN A CIVIL ACTION**

V.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC.; JOHN MAZZUTO; JORGE YEPES;  
DENNIS O'NEILL; and JAMES MARGULIES

CASE NUMBER:

**07 CV 10321**

TO: (Name and address of Defendant)

John Mazzutto  
Industrial Enterprises of America, Inc.  
711 Third Avenue, Suite 1505  
New York, New York 10017

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Phillip Kim, Esq.  
Laurence M. Rosen, Esq.  
THE ROSEN LAW FIRM, P.A.  
350 5th Avenue, Suite 5508  
New York, New York 10118  
Tel: (212) 686-1060

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

**NOV 14 2007**

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	11/14/07
NAME OF SERVER (PRINT) <i>Nathan Huddell</i>	TITLE	<i>Paralegal, The Rosen Law Firm</i>
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <i>Jaclyn Flores</i> <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): <i>After leaving a copy of the summons and complaint with Ms. Flores at Mr. Mazzutto's office, on 11/14/07 I mailed via first class mail a copy of the summons and complaint in an envelope marked "personal and confidential" and bearing no return address.</i>		
STATEMENT OF SERVICE FEES		
TRAVEL <i>\$0.00</i>	SERVICES <i>\$0.00</i>	TOTAL <i>\$0.00</i>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u><i>11/14/07</i></u> <span style="margin-left: 100px;"><u><i>Nathan Huddell</i></u></span>  <span style="margin-left: 100px;">Date</span> <span style="margin-left: 100px;">Signature of Server</span></p> <p style="text-align: center; margin-top: 20px;"><u><i>350 Fifth Avenue, Suite 5508, New York,</i></u>  <span style="margin-left: 100px;">Address of Server</span> <span style="margin-left: 100px;"><i>NY 10118</i></span></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.